

DEC 14 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISON

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA	DOCKET NO. 3:22-CR-311-KDB
v.	<u>BILL OF INDICTMENT</u>
(1) ERIC EUGENE ALLEN	Violations: 21 U.S.C. § 841(a)(1)
(2) BRET SCOTT FUNDERBURK	21 U.S.C. § 846
(3) MELANIE MITCHUM FUNDERBURK	18 U.S.C. § 922(g)(1) 18 U.S.C. § 924(c) 18 U.S.C. § 2

THE GRAND JURY CHARGES:

COUNT ONE

From as early as March 2021 through April 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendants,

- (1) ERIC EUGENE ALLEN,
(2) BRET SCOTT FUNDERBURK, and
(3) MELANIE MITCHUM FUNDERBURK,**

did knowingly and intentionally conspire and agree with each other and other persons, known and unknown to the Grand Jury, to distribute and to possess with intent to distribute a controlled substance, that is, methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Quantity of Methamphetamine (Actual) Involved in Count One

It is further alleged that, with respect to the offense charged in Count One, fifty (50) grams or more of methamphetamine (actual), a Schedule II controlled substance, is attributable to, and was reasonably foreseeable by the defendants, **(1) ERIC EUGENE ALLEN, (2) BRET SCOTT FUNDERBURK, and (3) MELANIE MITCHUM FUNDERBURK.**

Accordingly, Title 21, United States Code, Section 841(b)(1)(A) is applicable to **(1) ERIC EUGENE ALLEN, (2) BRET SCOTT FUNDERBURK, and (3) MELANIE MITCHUM FUNDERBURK.**

COUNT TWO

On or about March 2, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendant,

(3) MELANIE MITCHUM FUNDERBURK,

did knowingly and intentionally distribute a controlled substance, that is, fifty (50) grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT THREE

On or about March 4, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendants,

**(1) ERIC EUGENE ALLEN,
(3) MELANIE MITCHUM FUNDERBURK,**

aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly and intentionally distribute a controlled substance, that is, fifty (50) grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

COUNT FOUR

On or about March 4, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendants,

**(2) BRET SCOTT FUNDERBURK,
(3) MELANIE MITCHUM FUNDERBURK,**

aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly and intentionally distribute a controlled substance, that is, five (5) grams or more of

methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B) and Title 18, United States Code, Section 2.

COUNT FIVE

On or about March 10, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendants,

**(1) ERIC EUGENE ALLEN,
(3) MELANIE MITCHUM FUNDERBURK,**

aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly and intentionally distribute a controlled substance, that is, five (5) grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B) and Title 18, United States Code, Section 2.

COUNT SIX

On or about March 10, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendant,

(2) BRET SCOTT FUNDERBURK,

did knowingly and intentionally distribute a controlled substance, that is, fifty (50) grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT SEVEN

On or about March 10, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendant,

(2) BRET SCOTT FUNDERBURK,

did knowingly possess a firearm in furtherance of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, that is, Distribution of a Controlled Substance, a violation of Title 21, United States Code, Section 841(a)(1), as set forth in Count Six of this Bill of Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT EIGHT

On or about March 10, 2021, in Gaston County, within the Western District of North Carolina, the defendant,

(2) BRET SCOTT FUNDERBURK,

knowing that he had previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess a firearm, that is, an Ithaca Model 66 shotgun, in and affecting commerce, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT NINE

On or about March 16, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendant,

(1) ERIC EUGENE ALLEN,

did knowingly and intentionally distribute a controlled substance, that is, fifty (50) grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT TEN

On or about March 30, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendant,

(2) BRET SCOTT FUNDERBURK,

did knowingly and intentionally distribute a controlled substance, that is, five (5) grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT ELEVEN

On or about March 30, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendant,

(2) BRET SCOTT FUNDERBURK,

did knowingly possess a firearm in furtherance of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, that is, Distribution of a Controlled Substance, a violation of Title 21, United States Code, Section 841(a)(1), as set forth in Count Ten of this Bill of Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT TWELVE

On or about March 30, 2021, in Gaston County, within the Western District of North Carolina, the defendant,

(2) BRET SCOTT FUNDERBURK,

knowing that he had previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess a firearm, that is, a Taurus PT738 .380 caliber pistol, in and affecting commerce, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT THIRTEEN

On or about April 13, 2021, in Gaston County, within the Western District of North Carolina and elsewhere, the defendant,

(3) MELANIE MITCHUM FUNDERBURK,

did knowingly and intentionally distribute a controlled substance, that is, five (5) grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE

Pursuant to Federal Rule of Criminal Procedure 32.2, notice is hereby given of 21 U.S.C. § 853, 18 U.S.C. § 924, and 28 U.S.C. § 2461(c). The following property is subject to forfeiture in accordance with Section 853, 924, and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in this bill of indictment;

- b. All property used or intended to be used in any manner or part to commit or facilitate such violations;
- c. All firearms or ammunition involved or used in such violations; and
- d. If, as set forth in 21 U.S.C. § 853(p), any property described in (a), (b), or (c) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant to the extent of the value of the property described in (a), (b), and (c).

The Grand Jury finds probable cause to believe that the following property is subject to forfeiture on one or more of the grounds stated above:

1. An Ithaca Model 66 shotgun and ammunition seized on or about March 10, 2021 during the investigation; and
2. a Taurus, model PT738, .380 caliber pistol, and ammunition seized on or about March 30, 2021 during the investigation;

A TRUE BILL:



FOREPERSON 

DENA J. KING
UNITED STATES ATTORNEY



MATTHEW T. WARREN
ASSISTANT UNITED STATES ATTORNEY